

COMPLAINT

(for non-prisoner filers without lawyers)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN



(Full name of plaintiff(s))

Beau James Ellenbecker

P.O. Box 7381

Appleton, WI 54912

v.

Case Number:

(Full name of defendant(s))

Jimmy John's Aka Subs4U

3910 Schofield Ave Ste. 11

Weston, WI 54476

(to be supplied by Clerk of Court)

A. PARTIES

1. Plaintiff is a citizen of Wisconsin and resides at
(State)

901A S. Otagamie St., Appleton, WI 54914
(Address)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Subs4U
(Name)

is (if a person or private corporation) a citizen of _____

(State, if known)

and (if a person) resides at _____

(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for Jimmy John's 3910 Schofield Ave Ste. 11, Weston, WI
(Employer's name and address, if known) 54476

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

I started working at this Jimmy John's in Weston, WI around the 2nd week of March 2018. At the time of hiring Cameron ^{Beeney} ~~Berne~~ was General Manager, his wife Karyn was the 2nd Assistant manager, and Chad Bacon was the first Assistant Manager. From day one I had to deal with Chad Bacon's sexually explicit language toward customers, co-workers, and me personally. Chad Bacon would come to work and openly talk about being investigated by Child Protective Services on

sexual harassment allegations pertaining to his step-daughter.

Around mid-May of 2018 I had to go to Florida for a family emergency. When I came back in July of 2018 Sammie Payne was General Manager. Sammie was a delivery driver when I first started in March 2018, and was a first hand witness to Chad Bacon's inappropriate comments to customers, ^{and} co-workers. I had several conversations with Sammie Payne, Area Manager Dan P., as well as documented conversations with Mr. and Mrs. Beeney about Chad's illegal behavior. Everyone always shrugged it off as "that's just Chad".

~~I was forced to~~

After nothing was done about Chad inappropriate comments, I was forced to tolerate Chad's behavior up until late August 2018, when Chad got himself fired for attendance issues. At that point I was offered a management position. Once

A Manager, and made aware that our store was hemorrhaging roughly \$70,000 a period (13 periods in a calendar year), I tried changing things. It didn't go over well. On or around September 18, 2018 Sammie Payne threatened to fire me after attacking me about doing my job, ~~and~~ ^{when} helping run a successful store.

After Sammie Payne threatened to fire me, I reminded him about his and Area Manager Dan P.'s refusal to correct Chad's behavior. I proceeded to tell Sammie Payne that firing me would result in a sexual harassment lawsuit being filed. Sammie Payne then left the building and went. It was about an hour or two that Sammie came back to work and fired me. Within days of being fired I emailed both owners Brad and Brian requesting that they save the video footage of Sammie attacking me, and then storming off after being confronted with the sexual harassment lawsuit.

The State of Wisconsin refused to view the video footage when making their decision. Because the state of Wisconsin refused to watch the video, they found the sexual harassment (Probable cause found) had nothing to do with me getting fired. The ALJ for Wisconsin wouldn't allow me to contest that finding of fact with the video evidence.

Chad Bacon violated my rights when deciding to act in a sexually explicit way at work on a daily basis. GM Cameron Beene, GM Sammie Payne, and Assistant Karyn Beene, and AM Dan P. all violated my rights when refusing to correct Chad's illegal behavior or fire him. Sammie Payne

then violated my rights by retaliating when being confronted with the sexual harassment lawsuit. The State of Wisconsin then violated my Civil Right to due process several times.

Financial records will show a failing business, which comes down to poor management. Chad Bacon's Child Protective Services records will show a history of investigations over ~~the~~ sexual harassment. This also fits the notion of failing business due to bad management.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is

\$ _____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

I am requesting back pay from September 18, 2018 - present due to the retaliation from Sammie Payne. I request reimbursement of all cost associated with this case. I request my job back at a part-time capacity at their Appleton or Oshkosh, WI stores, at the same rate of pay.

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 7th day of August 2020.

Respectfully Submitted,

Beau Ellenbecker
Signature of Plaintiff

715-461-5857
Plaintiff's Telephone Number

beauellenbecker@gmail.com
Plaintiff's Email Address

P.O. Box 7381
Appleton, WI 54912
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE



I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Filing Fee form and have attached it to the complaint.



I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.